

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Mi-Chung SUH; Mi-Jung KIM; Hee-Ja KIM;
Chung-Han CHUNG; Jae-Ho PYEE; and Nam-In
HYUNG

Serial No.: New National Phase Application

Filed: May 6, 2005

Customer No.: 34610

For: PLANT SEED-SPECIFIC EXPRESSION PROMOTER DERIVED FROM SESAME AND
SEED-SPECIFIC EXPRESSION VECTOR COMPRISING THE PROMOTER

INFORMATION DISCLOSURE STATEMENT

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, Virginia 22314

Sir:

Pursuant to 37 C.F.R. §1.56, the attention of the Patent and Trademark Office is hereby directed to the reference(s) listed on the attached PTO-1449. One copy of each reference is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the indicated date. Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered. This statement should not be construed as a representation that a search has been made, that information cited in the statement is considered to be and/or is material to patentability, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that was cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. §120. 1138 OG 37, 38 (May 19, 1992).

- ☒ 1. This Information Disclosure Statement is being filed (i) within three months of the U.S. filing date of a U.S. application other than a CPA continued prosecution application under §1.53(d) OR (ii) within three months of the date of entry of the national stage as set forth in §1.491 in an international application OR (iii) before the mailing date of a first Office Action on the merits OR (iv) before the mailing of a first Office Action after the filing of a Request for continued examination under §1.114. No certification or fee is required. 37 C.F.R. §1.97(b).
- ☐ 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection OR Notice of Allowance OR an action that otherwise closes prosecution in the application. 37 C.F.R. §1.97(c).
- ☐ a. I hereby state that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in

a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. 1.97(e)(1).

☐ b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. 1.97(e)(2).

☐ c. Attached is our check no. _____ in the amount of \$180.00 in payment of the fee under 37 C.F.R. 1.17(p). Please credit or debit Deposit Account No. 16-0607 as needed to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached.

☐ 3. This Information Disclosure Statement is being filed after the mailing date of a Final Rejection OR Notice of Allowance OR an action that otherwise closes prosecution in the application, but on or before payment of the Issue Fee. Attached is our check no. _____ in the amount of \$180.00 in payment of the fee under 37 C.F.R. 1.17(p). Please credit or debit Deposit Account No. 16-0607 as needed to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached. 37 C.F.R. §1.97(d).

☐ a. I hereby state that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. 1.97(e)(1).

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☒ 4. The references were cited in a corresponding foreign application in an International Search Report dated February 4, 2004.

☒ 5. To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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LIST OF ART CITED BY APPLICANT (PTO-1449)				ATTY. DOCKET NO. ZEN-0002		APPLN. SERIAL NO. New National Phase Application	
				APPLICANT(S) Mi-Chung SUH; Mi-Jung KIM; Hee-Ja KIM; Chung-Han CHUNG; Jae-Ho PYEE; and Nam-In HYUNG			
				FILING DATE 5/6/2005		GROUP	

U.S. PATENT DOCUMENTS						
EXAMINER'S INITIALS	*PATENT NO.	*ISSUE DATE	*INVENTOR NAME	CLASS	SUBCLASS	FILING DATE

U.S. PATENT APPLICATION PUBLICATIONS						
	*PATENT APPLN. PUB. NO.	*PUB. DATE	*APPLICANT	CLASS	SUBCLASS	FILING DATE
	2002/0061567A1	5/23/2002	Tang et al.	435	183	11/30/2000
	2002/0081691A1	6/27/2002	Hillman et al.	435	191	7/24/2001
	2002/0045229A1	4/18/2002	Qin et al.	435	183	6/6/2001
	2002/0166144A1	11/7/2002	Green et al.	800	281	10/17/2001
	2002/0069426A1	6/6/2002	Boronat et al.	800	278	8/6/2001
	2002/0059656A1	5/16/2002	Wang et al.	800	278	3/13/2001

U.S. PATENT APPLICATIONS					
	*APPLN. NO.	*FILING DATE	*INVENTOR	CLASS	SUBCLASS

FOREIGN PATENT DOCUMENTS							
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						Yes	No
	20010099065	11/9/2001	KOREA(Full Korean Text)			Abst. only	

OTHER ART (Including Author, Title, Date, Pertinent Pages, Publisher, Place of Publication, Etc.)	

EXAMINER	DATE CONSIDERED
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